

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Jonathan Andrew Perfetto

v.

Civil No. 14-cv-556-PB

Jonathan Plumpton et al.

**REPORT AND RECOMMENDATION**

Before the court is plaintiff Jonathan Perfetto's twice-filed "Motion to Withdraw Excessive Force Claim" (doc. nos. 59 and 61). Defendants have filed a "Notice of No Objection" (doc. no. 60).

The plaintiff's motions are most appropriately construed as seeking to amend the complaint to omit the excessive force claim against defendant Jonathan Plumpton. So construed, plaintiff's first motion to withdraw (doc. no. 59) should be granted. The excessive force claim should be dismissed from this action with prejudice, and defendant Plumpton, against whom no other claims are asserted, should be dropped as a defendant. The second motion to withdraw (doc. no. 61) should be denied as duplicative.

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed.

R. Civ. P. 72(b) (2). Failure to file objections within the specified time waives the right to appeal the district court's order. See Garayalde-Rijos v. Mun. of Carolina, 747 F.3d 15, 21-22 (1st Cir. 2014).



Andrea K. Johnstone  
United States Magistrate Judge

May 13, 2016

cc: Jonathan Andrew Perfetto, pro se  
John A. Curran, Esq.